WRITTEN TESTIMONY PRESENTED BEFORE THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE

February 6, 2015

Statement of Michael J. Brandi, Executive Director & General Counsel

Raised S.B. No. 850

Chairman Cassano and Chairman Jutila, Vice Chairs Gerrantana and Alexander, Ranking Members Senator McLachlan and Representative Smith, and distinguished Committee members. I am Michael Brandi, the Executive Director & General Counsel of the State Elections Enforcement Commission. Thank you for this opportunity to present testimony on behalf of Raised Senate Bill No. 850, An Act Amending the Codes of Ethics for Lobbyists to Redefine "Lobbying" and "Expenditure", Define "Grass Roots Lobbying" and Raise the Threshold for Lobbyist Registration.

This proposal presents a concern to the SEEC because the new language regarding what constitutes lobbying activities may create duplicative reporting requirements when certain communications are made in close proximity to an election. Some might construe this duplicate reporting to be overly burdensome. At our agency, where we must constantly balance the need for disclosure against core free speech rights, we are particularly sensitive to this complaint. SEEC strongly recommends that the proposed definition of "grassroots lobbying" be carefully crafted to make clear that expenditures and contributions for communications reported under Chapter 155 would not be covered by this new definition. This has already been done in another section of the ethics statutes where the term "gift" contains an exemption for contributions, as that term is defined in Chapter 155, and we suggest something similarly effective be added here. It would be a simple fix and we stand ready to work with this Committee to draft language that might preserve the intent of this bill, while avoiding any unintended consequences for campaign finance law that would be created by establishing dual reporting requirements that do not result in any increase in the public's access to information.

Thank you for your consideration.